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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,328

08/28/2003

Hiroshi Kaburagi

CFA00001US

6858

7590

06/27/2005

Canon U.S.A. Inc.  
Intellectual Property Department  
15975 Alton Parkway  
Irvine, CA 92618-3731

EXAMINER

NGUYEN, ANTHONY H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

<b>Office Action Summary</b>	<b>Application No.</b> 10/650,328	<b>Applicant(s)</b> KABURAGI ET AL.	
	<b>Examiner</b> Anthony H. Nguyen	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-33 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-18 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 25, 2005 has been entered.

### ***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4 and 9-17 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Uchida et al. (US 5,640,253).

With respect to claims 1, 10 and 15, Uchida et al. teaches an image output method or a computer executable program and an image processing apparatus having an input unit 101 for inputting image information, a generating unit 207 which includes circuits 301-303 for generating output limitation information corresponding the image information, a storing unit 103 for storing the image information, a reading unit for reading a document 104 for reading a document which contains the output limitation

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information, and an output unit 107 for outputting the image information as shown in Fig.1 (see col.5 line 50 - col.6 line 57). Uchida et al. does not clearly teach the output control unit for varying the output limitation information corresponding the image information stored in the storage unit in accordance with outputting of the image information by the output unit. However, the use of the output control unit which can vary the output limitation information based on the image information stored in the storage unit such as RAM, ROM or Hard drive or disket is well known in the art. It would have been obvious to one of ordinary skill in the art to modify the image processing apparatus or the program of Uchida et al. by providing the conventional output control unit for ensuring of a desired or selected output information can be obtained by an end user.

Claim 5,8,14 and 18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Uchida et al. (US 5,640,253) in view of Matsunoshita (US 6,512,915).

With respect to claim 5, Uchida et al. teaches all that is claimed, except the connector arranged to connect the image processing apparatus to a network. Matsunoshita teaches the outputting method and apparatus which includes a connector 14 that connects to a network 10 as shown in Fig.1. In view of the teaching of Matsunoshita, it would have been obvious to one of ordinary skill in the art to modify the method and apparatus of Uchida et al. by providing the connector as taught by Matsunoshita to improve the efficiency of transferring images from a data base or a serve to a communication network. With respect to claims 8, 14 and 18, the use of image information from an external source for inputting to the input unit of an image precessing apparatus is well known in the art. For example, see Uchida et al. col.7 lines 27-30, col.8 lines 3-7 and Matsunoshita, col.5 the third paragraph.

***Allowable Subject Matter***

As presently advised it appears that claim 6 avoids the prior art but are objected to as depending from the rejected claims. The claim if properly rewritten in independent form and would be allowable.

Claims 19-33 are allowable.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not teach the output control unit and the method for determining whether the time that the image information is to be output is within the allowance term based on the output limitation information and controlling the outputting of the image information based on the time in accordance the determination as recited in claims 19, 26 and 30.

***Response to Arguments***

Applicants' arguments filed on March 10, 2005 have been fully considered but they are not persuasive of any error in view of the new ground(s) of rejection.

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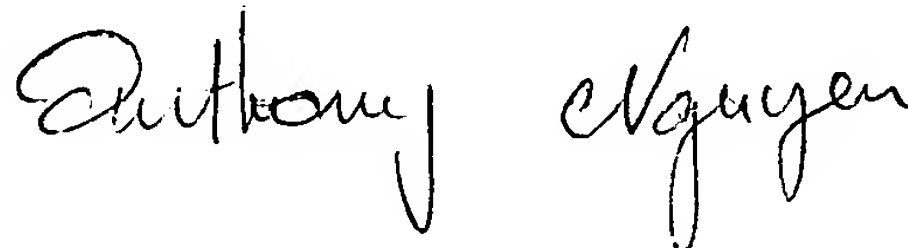
***Conclusion***

The patents to Ukai et al., Ikenoue et al. and Fu et al. are cited to show other structures and methods having obvious similarities to the claimed structure and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

The fax phone number for this Group is (703) 872-9306.

A handwritten signature in cursive script that reads "Anthony Nguyen".

Anthony Nguyen  
6/23/05  
Patent Examiner  
Technology Center 2800